

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 4, 2011 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)

Members Excused: Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing and Date Posted: SB 238, 1/28/11

Executive Action on: SB 217-Do Pass As Amended, SB 15-Do Pass, SJ 9-Do Pass,
SB 238-Do Pass, SB 39-Tabled, SB 175-Tabled

EXECUTIVE ACTION ON SB 217

00:01:26 **Motion:** Sen. Murphy moved that **SB 217 DO PASS.**

00:01:42 **Motion/Vote:** Sen. Murphy moved that **SB 217 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

EXHIBIT(jus28a01)

00:02:15 **Motion:** Sen. Murphy moved that **SB 217 DO PASS AS AMENDED.**

Discussion:

00:02:21 Sen. Jent

00:02:43 Sen. Shockley

00:03:24 **Vote:** Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 15

00:04:19 Sen. Jent

00:04:56 Sen. Murphy

00:05:18 Sen. Shockley

00:05:35 Sen. Jent

00:07:01 Sen. Peterson

00:08:40 Sen. Murphy

00:09:00 Sen. Jent

00:09:15 Sen. Essmann

00:09:57 Valencia Lane, Legislative Services Division (LSD) informed committee members that an amendment was adopted 1/28/11.

00:10:09 **Motion/Vote:** Sen. Essmann moved that **SB 15 DO PASS AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 175

00:11:03 **Motion:** Sen. J. Peterson moved that **SB 175 DO PASS.**

00:11:27 **Motion/Vote:** Sen. J. Peterson moved that **SB 175 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Vincent voted by proxy.

EXHIBIT(jus28a02)

00:19:34 **Motion:** Sen. J. Peterson moved that **SB 175 DO PASS AS AMENDED.**

Discussion:

00:19:47 Sen. Blewett

00:22:02 Sen. Augare

00:24:01 Sen. Larsen

00:25:23 Sen. Essmann

00:26:01 Sen. Shockley
00:26:14 Sen. Blewett
00:27:03 Sen. Peterson
00:29:50 Sen. Hinkle
00:30:07 Sen. Moss

00:31:17 **Vote:** Motion failed 6-6 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Peterson, Sen. Shockley and Sen. Vincent voting aye. Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 39

00:32:25 **Motion/Vote:** Sen. Shockley moved that **SB 39 BE TABLED**. Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Essmann, Sen. Hutton and Sen. Shockley voting no. Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 175

(Sen. Jent absent from the room)

00:34:35 **Motion/Vote:** Sen. Blewett moved that **SB 175 BE TABLED**. Motion carried 9-3 by roll call vote with Sen. Essmann, Sen. Peterson and Sen. Shockley voting no. Sen. Jent and Sen. Vincent voted by proxy.

(Sen. Jent returned to the room)

EXECUTIVE ACTION ON SJ 9

(Sen. Shockley absent from room)

00:35:45 **Motion/Vote:** Sen. Hutton moved that **SJ 9 DO PASS**. Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Shockley and Sen. Vincent voted by proxy.

HEARING ON SB 238

Opening Statement by Sponsor:

00:37:16 Sen. Anders Blewett (D), SD 11, opened the hearing on SB 238, Increase jurisdictional limit for justice , city, and small claims courts.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

00:41:43 Judge Gregory P. Mohr, Justice of the Peace of Richland County, Montana
Magistrates Association (MMA)

[EXHIBIT\(jus28a03\)](#)

[EXHIBIT\(jus28a04\)](#)

Questions from Committee Members and Responses:

00:43:19 Sen. Larsen

00:43:36 Sen. Blewett

Closing by Sponsor:

00:44:28 Sen. Blewett

(Sen. Essmann absent from the room)

EXECUTIVE ACTION ON SB 238

00:45:12 **Motion/Vote:** Sen. Blewett moved that **SB 238 DO PASS**. Motion carried
unanimously by roll call vote. Sen. Essmann, Sen. Shockley and Sen. Vincent
voted by proxy.

Committee Business:

00:46:25 Chairman Murphy

ADJOURNMENT

Adjournment: 10:00 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus28aad.pdf](#))